

Appl. No. 10/561,755
Amtd. dated January 21, 2009

Reply to Office Action of October 21, 2008
Attorney Docket 18213

REMARKS

Claims 6-12 are currently pending for examination. Claim 6 was amended and claims 1-5 were canceled. Applicants submit that no new matter is added by this amendment. Favorable reconsideration and allowance of this application is requested.

Indication of Allowable Subject Matter

Applicants wish to thank the Examiner for indication that claims 6-12 would be allowable if rewritten to overcome the claim objection and rejection under 35 U.S.C. §112.

Claim Objections

Claim 1 was objected to for missing a comma after "first" in line 1. Claim 1 has been canceled making this rejection moot. Claim 6 was objected to for missing a comma after "tube" in line 13. The proper punctuation has now been added. Removal of this objection is therefore requested.

Rejection of Claims 1-12 under 35 U.S.C. §112

Claims 1-12 were rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5 have been canceled making this rejection moot.

Claim 6 has been amended to add that the first boom component is rotatably connected at a first end to a frame of the machine. The antecedent basis in line 2 of "the first boom component" has been corrected as well as "the bearing tube" in line 7. The recitation of a "constant external diameter has been removed."

Accordingly, removal of these rejections is respectfully requested. Claims 7-12 depend from Claim 6, and the rejection against them should also be removed.

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Rejection of Claims under 35 U.S.C. §102

Claims 1 and 5 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,096,957 to Iverson.

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,069,509 to Johnson.

Claims 1, 2 and 5 have been canceled making these rejections moot.

Rejections under 35 U.S.C. §103

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of German reference DE-926,532 to Traktoren.

Claim 4 has been canceled making this rejection moot.

Conclusion

Applicants respectfully submit that claims 6-12 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No fee is believed due with this communication. Nevertheless, should the Examiner consider any fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 14-0780. The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



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